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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,207	07/14/2003	Shohei Suto	F-7891	6381
7590 12/05/2003			EXAMINER	
Jordan and Hamburg LLP 122 East 42nd Street New York, NY 10168			ABDELWAHED, ALI F	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,207

Applicant(s)

SUTO, SHOHEI

Examiner

Ali Abdelwahed

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/14/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the extending direction" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,820,439 to Hair, III in view of U.S. Patent No. 6,095,891 to Hoeting et al.

Hair, III discloses a radio-controlled two-wheeled vehicle toy comprising: a two-wheeled vehicle main body (28); a front fork portion (50) rotatably mounted so that a traveling direction can be changed via an inclined caster axis by a steering control portion (see figs. 2, 3) provided in a front side of the two-wheeled vehicle main body (see fig. 2); a front wheel (48) mounted to the front fork portion via a front wheel shock absorbing portion (52); a driving portion case (32) accommodating travel driving portion (see fig. 2) having a driving motor (30) mounted to a rear side of said two-wheeled vehicle main body (see fig. 2) via a rear wheel shock absorbing portion (42); a rear wheel (34) mounted to the travel driving portion of the driving portion case (see fig. 2); a flywheel (66) for stabilizing traveling; a receiving circuit (88) for radio-controlling said steering control portion and the travel driving portion (see column 3, lines 66-67); and a battery (90) supplying an electric power to each of the portions; the steering control portion is constituted by a motor (68) driving to which a torque control by a centrifugal clutch (72) is applied.

However, Hair, III fails to disclose the flywheel being integrally provided in the rear wheel. Nevertheless, Hoeting et al. teaches a radio controlled two-wheeled vehicle toy comprising the aforementioned limitation (see Abstract, figs. 8, 9, and respective portions of the specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy of Hair, III, in view of Hoeting et al., such that it would provide the toy of Hair, III with the aforementioned limitation for the purpose of further enhancing the stability of the toy.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hair, III in view of Hoeting et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,482,069 B1 to Tilbor et al.

Hair, III, as modified, discloses the claimed invention except for the steering control portion being constituted by a rotation of an electromagnetic coil arranged in a center portion of a ring-shaped magnet, and an arm portion extended in a vertical direction being integrally formed on one side surface in a front side of the case accommodating the electromagnetic coil and the ring-shaped magnet, a caster axis being provided by a backward tilting angle toward a direction orthogonal to the extending direction in a leading end side of the arm portion, and the rotation of the electromagnetic coil is transmitted the front fork portion by an oscillating lever mounted to the arm portion in a freely oscillating manner.

However, Tilbor et al. teaches a radio controlled two-wheeled vehicle toy comprising the aforementioned limitations (see fig. 7, and column 7, lines 46-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the toy of Hair, III, as per the teachings of Tilbor et al., such that it would provide the toy of Hair, III with the aforementioned limitations for the purpose of enhancing the steering control of the toy vehicle.

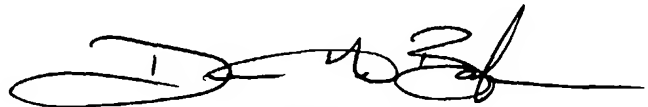
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA
11/21/2003



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700